

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

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WRIT PETITION NO : 5057 of 1999

Between:

APSRTC, rep. by its Managing Director,
Mushirabad, Hyderabad.

..... PETITIONER

AND

1 The State Transport Appellate Tribunal, A.P., Hyderabad

rep. by its Presiding Officer.

2 The Regional Transport Authority, Cuddapah,

rep. by its Secretary.

3 Sri B.Srinivasulu Reddi, Bus Operator,
PRODDATUR, Cuddapah District.

(Dismissed for default as per Court order dt. 21.2.03 as against R3).

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction especially in the nature of a Writ of Certiorari, calling for the records relating to the impugned order dt.2-4-98 made in AP No. 782/96, State Transport Appellate Tribunal, A.P., Hyderabad setting aside the order in R.NO:5905/A2/90 dt.5-8-96 of the RTA/Cuddapah and directing issue of permit to 3rd respondent on the town service route, Rameswaram to RPC College; and quash the same as being hit by the provisions of Sec.104 of MV Act 1988 and as being invalid.

Counsel for the Petitioner: MR. K.SRINIVASA RAO/ MR. P.VINAYAKA SWAMY

**Counsel for Respondents 1 and 2: GOVERNMENT PLEADER FOR
TRANSPORT**

The Court made the following:

ORDER:

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This writ petition is filed questioning the orders of the first respondent-State Transport Appellate Tribunal, Andhra Pradesh, Hyderabad (for short, 'the appellate authority'), dated 02-04-1998 made in A.P.No.782 of 1996 setting aside the order dated

05-08-1996 passed in Proceedings R.No.5905/A2/90 of the second respondent-Regional Transport Authority, Cuddapah and directing issue of permit to the third respondent on the town service route Rameswaram to Andhra Cotton Mills and quash the same as being hit by the provisions of Section 104 of the Motor Vehicles Act, 1988.

The appellate authority, while setting aside the order of the Chairman, Regional Transport Authority, Cuddapah, directed the Secretary, Regional Transport Authority, Cuddapah, to issue stage carriage permit to the third respondent herein on the town service from Rameswaram to Andhra Cotton Mills.

Though the order of the appellate authority is questioned on various grounds, the writ petition is already dismissed so far as the third respondent is concerned by order dated 21-02-2003. In view of dismissal of the very writ petition against the third respondent, the petitioner is not entitled for any relief in the writ petition.

The writ petition is accordingly dismissed. No order as to costs.

R.SUBHASH REDDY, J

23rd June, 2005.

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Presiding Officer, State Transport Appellate Tribunal,
Andhra Pradesh, Hyderabad.
2. The Secretary, Regional Transport Authority, Cuddapah.
3. Two CCs to the Government Pleader for Transport,
High Court Buildings, Hyderabad (O.U.T).
4. Two CD copies.